

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION - JACKSON**

CAPITOL BODY SHOP, INC., AUTOMOTIVE
ALIGNMENT & BODY SERVICE, INC., D/B/A
PITALO AUTO PAINT & BODY, ALEXANDER
BODY SHOP, LLC, B & W BODY SHOP, INC.,
BILL FOWLER'S BODYWORKS, INC., BOLDEN
BODY SHOP, LLC, CANTON COLLISION, LLC
CAPITOL BODY SHOP OF RIDGELAND, INC.,
CAPITOL BODY SHOP OF BYRAM, INC.,
CLINTON BODY SHOP, INC., CLINTON BODY
SHOP OF RICHLAND, INC., CRYSTAL CAR
CARE, INC., EAST MCCOMB BODY SHOP,
INC., GEORGE CARR BUICK PONTIAC
CADILLAC GMC, INC. HYPERCOLOR
AUTOMOTIVE RECONDITIONING, INC., D/B/A
AUTOWORICS COLLISION SPECIALIST ,
LAKESHORE BODY SHOP, INC., PATRIOT
AUTO BODY, LLC., PORTER'S BODY SHOP,
INC., PROTOUCH COLLISION, LLC, D/B/A
BOLER-PHILLIPS BODY SHOP, RIDGELAND
BODY SHOP, INC., ROY ROGERS BODY SHOP,
INC., SMITH BROTHERS BODY SHOP, INC.,
SMITH BROTHERS COLLISION CENTER, INC.,
WALKERS COLLISION CENTER, INC., MARK
COOK AND BARRY LEWIS, INDIVIDUALLY
AND D/B/A EUROPEAN COACHWORKS, LTD.

Plaintiffs,

v.

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, STATE FARM FIRE
AND CASUALTY COMPANY, PROGRESSIVE
GULF INSURANCE COMPANY, PROGRESSIVE
CASUALTY INSURANCE COMPANY,
ALLSTATE PROPERTY AND CASUALTY
COMPANY, ALLSTATE INSURANCE
COMPANY, NATIONWIDE PROPERTY AND
CASUALTY INSURANCE COMPANY,
NATIONWIDE MUTUAL INSURANCE

Case No. 3:14-cv-00012 CWR-FKB

Judge Carlton W. Reeves

COMPANY, GEICO GENERAL INSURANCE
COMPANY, GEICO INDEMNITY COMPANY,
UNITED SERVICES AUTOMOBILE
ASSOCIATION, USAA CASUALTY
INSURANCE COMPANY, SAFECO INSURANCE
COMPANY OF ILLINOIS, SHELTER MUTUAL
INSURANCE COMPANY, DIRECT GENERAL
INSURANCE COMPANY OF MISSISSIPPI,
SHELTER GENERAL INSURANCE COMPANY,
MISSISSIPPI FARM BUREAU CASUALTY
INSURANCE COMPANY

Defendants.

**MOTION TO DISMISS FIRST AMENDED COMPLAINT BY DEFENDANTS
ALLSTATE PROPERTY AND CASUALTY COMPANY, ALLSTATE INSURANCE
COMPANY, PROGRESSIVE CASUALTY INSURANCE COMPANY, PROGRESSIVE
GULF INSURANCE COMPANY, SHELTER GENERAL INSURANCE COMPANY,
SHELTER MUTUAL INSURANCE COMPANY, DIRECT GENERAL INSURANCE
COMPANY OF MISSISSIPPI, MISSISSIPPI FARM BUREAU CASUALTY
INSURANCE COMPANY, SAFECO INSURANCE COMPANY OF ILLINOIS,
UNITED SERVICES AUTOMOBILE ASSOCIATION, AND USAA CASUALTY
INSURANCE COMPANY**

Defendants Allstate Property and Casualty Company, Allstate Insurance Company,
Progressive Casualty Insurance Company, Progressive Gulf Insurance Company, Shelter General
Insurance Company, Shelter Mutual Insurance Company, Direct General Insurance Company of
Mississippi, Mississippi Farm Bureau Casualty Insurance Company, Safeco Insurance Company
of Illinois, United Services Automobile Association, and USAA Casualty Insurance Company
(collectively, “Defendants”) respectfully submit this motion to dismiss Plaintiffs’ First Amended
Complaint (Doc. 3) with prejudice pursuant to Fed. R. Civ. P. 8 and Fed. R. Civ. P. 12(b)(6).
Defendants would show:

1. Under Fed. R. Civ. P. 8, Plaintiffs' First Amended Complaint is inadequately pled with conclusory allegations that improperly lump all of the Defendants together.

2. Under Fed. R. Civ. P. 12(b)(6), Plaintiffs' First Amended Complaint fails to state a claim upon which relief can be granted.

3. In support of their motion, Defendants incorporate by reference their concomitant memorandum of authorities, including all materials, argument and law contained therein.

WHEREFORE, for all the foregoing reasons, the claims asserted against Defendants in Plaintiffs' First Amended Complaint fail as a matter of law and Defendants move for dismissal with prejudice of the First Amended Complaint in its entirety.

Dated: June 26, 2014

Respectfully submitted,

/s/ William C. Griffin

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CERTIFICATE OF SERVICE

I, William C. Griffin, hereby certify that on June 26, 2014, I electronically filed the foregoing with the Clerk of the Court using the ECF system which sent notification of such filing to all counsel of record.

/s/ William C. Griffin
William C. Griffin

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